



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,332	03/25/2004	Hidenori Kuwajima	0397-0477PUS1	5433

2292 7590 09/27/2006

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

HUYNH, NAM TRUNG

ART UNIT	PAPER NUMBER
----------	--------------

2617

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/808,332	Applicant(s) KUWAJIMA, HIDENORI	
	Examiner Nam Huynh	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 11-13, 15 and 18 is/are rejected.
- 7) ☒ Claim(s) 6-10, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This office action is in response to amendment filed on 6/30/2006. No new amendments to the claims were presented.

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. The 103(a) rejection applied to claims 1 and 11 from the previous office action has been replaced by a 102(e) rejection shown below upon further review of Udom.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 11-15, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Udom (US 2003/0023882).
- A. Regarding claims 1 and 11, Udom discloses a biometric characteristic security system that comprises the following:
- A memory device (personal authentication information storing section) that stores either biometric data or data templates for various individuals (personal authentication information) (page 2, paragraph 14).

- A biometric characteristic scanner coupled to a biometric sensor (identity information inputting section) that obtains a biometric characteristic of an individual (page 2, paragraph 18).
- A CPU (personal authentication section) that compares data from the biometric sensor to data stored in the memory device (page 2, paragraph 14). The CPU (informing section) also forwards an appropriate data signal that indicates that the security device has made identification by comparing biometric data scanned from an individual to biometric data stored within the device to a base station (transmits an authentication result to the communication base station). The data word signal sent to the base station can be a denial or rejection message (page 2, paragraph 15).

B. Regarding claims 2-3 and 12-13, Udom discloses that the biometric scanner refers to devices that can electronically read or "scan" a particular biological (bio) measurable (metric) characteristic such as a finger print pattern, retinal pattern, or a "voice print" pattern. These characteristics are unique for every individual. Therefore it is inherent that a facial image can also be included in this listing since facial images are a distinguishing characteristic of an individual.

C. Regarding claims 5 and 15, the limitations are rejected as applied to claim 4 and Udom additionally discloses that the characteristics of the scanned fingerprint as compared to those in the database are tested for correspondence and, if no correspondence is found program control might loop back to the fingerprint scanning or to an error message step which might be used to inform a user that his request for

Art Unit: 2617

access or authorize was denied (page 3, paragraph 0028). Since the authorization procedure can be looped back and an error message can be displayed to the user, one of ordinary skill in the art would recognize that the authorization procedure is capable of being looped back or repeated a predetermined number of times before an error message is displayed. This would be a design choice.

D. Regarding claims 4 and 14, Udom discloses that the PDA comprises a local memory (page 1, paragraph 9). It is inherent and well known in the art that in order to transmit any type of data, it has to be stored in memory first and processed for suitable transmission.

A user of the invention of Udom would "attempt transmission control" when he/she desires to gain access to a secure resource and attempts to transmit the data word signal, which is the result of authentication, to the base station.

D. Regarding claim 18, it is inherent that the data word signal sent by the mobile device can be sent to any type of equipment that can read and interpret the message.

Allowable Subject Matter

5. Claims 6-10, and 16-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NTH
9/15/06


GEORGE ENG
SUPERVISORY PATENT EXAMINER